



Ad Standards Community Panel
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Case Report

1. Case Number :	0178-22
2. Advertiser :	Bras n' Things
3. Product :	Lingerie
4. Type of Advertisement/Media :	TV - Out of Home
5. Date of Determination	24-Aug-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This video advertisement played in store windows features several women from the neck down. All are wearing shirts, and various styles of underpants including g-string and brazilian cut.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

When did this kind of nudity become the norm in areas full of children. You don't need large videos or images of women with sexual incarnations wearing practically nothing being plastered about areas where children are especially what I my wife and my children saw on these particular screens. Is this how we teach respect for women by allowing this lude display.

It is not appropriate to have naked bottom's advertised where young families are shopping.

I think it's great they are using real women of different shapes and sizes in clothing ads however this ad was akin to what used to be referred to as 'soft porn'. It is very sexually suggestive and risqué, & quite titillating. I feel this content is NOT at all appropriate to be shown to children or places anywhere where children will be



exposed to it. It's has gratuitous sexual overtones for an underwear ad and encourages the objectification & sexualisation of girls & women.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Thank you for reaching out. We are really sorry to hear the campaign has caused some distress.

This campaign is called We've Got Your Bum, it's a campaign for knickers/undies. One I would have thought is quite common. We sense checked the campaign before launching to ensure it's nothing too risqué and nothing more than you wouldn't see at the beach (within reason)

The campaign is aimed at showcasing the category and the range we have available. It talks to the different shapes of knickers we have available.

The campaign has been running in-stores for the last three weeks and has changed over today.

There is no nudity – the talent are all wearing underwear the entire time.

Upon reflection, there was one set of knickers that may have been seen as offensive and we would look to remove this in future. Our aim is to never offend or cause disruption. The note on respect for women I will not respond to as our brand is very much about respecting women and how brilliant they are.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement:

- Is objectifying of women
- Is overtly sexual and features nudity
- Is inappropriate for children to view.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.2: Advertising should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:



Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised.
Degrading – lowering in character or quality a person or group of people.

Does the advertisement use sexual appeal?

The Panel noted that this advertisement features women in lingerie with parts of their buttocks visible. The Panel considered that the advertisement did contain sexual appeal.

Does the advertisement use sexual appeal in a manner that is exploitative?

The Panel noted that the advertisement was for lingerie available at Bras N Things and considered that it was reasonable for the women to be depicted wearing the products in the advertisement. The Panel considered that while there was a focus on the women's buttocks, this was relevant to the product of various underpants cuts being promoted.

The Panel considered that there was a focus on the women's bodies in the advertisement, however considered that the women are depicted in a confident manner and not in a manner suggesting that they were submissive or an object to be used. The Panel considered that the overall impression of the advertisement is that the women have chosen to wear the lingerie and feel comfortable and confident posing in it.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of women.

Does the advertisement use sexual appeal in a manner that is degrading?

The Panel considered that the depiction of the woman was relevant to the promotion of lingerie and the products available for purchase at Bras N Things and this in itself did not lower the women in character or quality.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to women.

Section 2.2 conclusion

Finding that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people, the Panel determined that the advertisement did not breach Section 2.2 of the Code.

Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.



The Panel noted the Practice Note for the Code states:

“Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards.”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is ‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006).

The Panel considered that the women are not engaged in sexual behaviour. The Panel considered that the advertisement did not contain sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express sexual desire; the recognition or emphasising of sexual matters’. The Panel noted that the use of male or female actors in an advertisement is not by itself a depiction of sexuality.

The Panel considered that the advertisement is promoting lingerie and parts of the women’s buttocks are visible. The Panel considered that the advertisement did depict sexuality.

Does the advertisement contain nudity?

The Panel noted that the dictionary definition of nudity includes ‘something nude or naked’, and that nude and naked are defined to be ‘unclothed and includes something ‘without clothing or covering’.

The Panel noted that the women in the advertisement are depicted in lingerie, and considered that this is a depiction of partial nudity.

Are the issues of sexuality and nudity treated with sensitivity to the relevant audience?

The Panel considered the meaning of ‘sensitive’ and noted that the definition of sensitive in this context can be explained as indicating that ‘if you are sensitive to



other people's needs, problems, or feelings, you show understanding and awareness of them.' (<https://www.collinsdictionary.com/dictionary/english/sensitive>).

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that this advertisement appears in store windows and considered that the relevant audience includes retail workers, people shopping in the Bras N Things store and people who are not shopping at Bras N Things but who are walking past the store, and that this last group would include children.

The Panel considered that the women are depicted dancing and considered that the women's movements are not particularly sexualised and the overall impression conveyed is of fun rather than sexuality. The Panel considered that most children viewing the advertisement would simply view an advertisement showing underwear, buttocks and happy dancing and would not consider it to be sexualised.

Overall, the Panel considered that the visuals in the advertisement were fast moving and there was no inappropriate focus on any of the women's bodies or body parts and that they were not overtly sexual. The Panel considered that the level of sexuality and nudity in the advertisement was appropriate for the relevant broad audience.

Section 2.4 Conclusion

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaints.